

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

<p>RANDY COWHERD,</p> <p>Plaintiff,</p> <p>vs.</p> <p>MIKE LEIDHOLT, Secretary of Corrections, Administrator of the South Dakota Department of Corrections, in his individual and official capacity, STAFF OF RAPID CITY COMMUNITY WORK CENTER, UNIT MANAGER TROMBERG, in his/her individual and official capacity, CASE MANAGER SCHAUER, in his/her individual and official capacity, CO OCHSENDORF, in his/her official and individual capacity, CO WAINRIGHT, in his/her individual and official capacity, CO GARNER, in his/her individual and official capacity, CO GEPPERT, in his/her individual and official capacity, CO DUTTON, in his/her individual and official capacity, JERAMME LARSON, employee of the Department of Corrections and Disciplinary Hearing Officer, in his individual and official capacity, and STAFF OF SD BOARD OF PARDONS AND PAROLE, in their individual and official capacities,</p> <p>Defendants.</p>	<p>5:19-CV-05074-KES</p> <p>ORDER DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE</p>
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Plaintiff, Randy Cowherd, an inmate at the Rapid City Community Work Center (RCCWC), filed a “hybrid habeas and civil rights” pro se lawsuit under 42 U.S.C. § 1983 and 28 U.S.C. § 2254. Docket 1. On March 31, 2021, this

court ordered Cowherd to provide an update about the status of his state court remedies by April 30, 2021. Docket 7. Cowherd was warned that if he did not comply by the date, his complaint would be dismissed without prejudice for failure to prosecute. The date has now passed, and Cowherd failed to comply with this court's order.

Thus, it is ORDERED that Cowherd's complaint (Docket 1) is dismissed without prejudice for failure to prosecute.

Dated May 4, 2021.

BY THE COURT:

/s/ *Karen E. Schreier*

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE